

**CITY OF BIRMINGHAM
PLANNING BOARD ACTION ITEMS
OF WEDNESDAY, MARCH 25, 2015**

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<p style="padding-left: 40px;">Motion by Mr. DeWeese Seconded by Mr. Williams that the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP approval to permit Emagine Palladium Theatre and Ironwood Grill to operate at 250 N. Old Woodward Ave. with the following conditions:</p> <ol style="list-style-type: none"> 1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening; 2. Meet all City Department requests, subject to administrative approval; 3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors; 4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage; 5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and 6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area. 	3
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Motion carried, 5-2.	8

APPROVED

**CITY OF BIRMINGHAM
REGULAR MEETING OF THE PLANNING BOARD
WEDNESDAY, MARCH 25, 2015
City Commission Room
151 Martin Street, Birmingham, Michigan**

Minutes of the regular meeting of the City of Birmingham Planning Board held on March 25, 2015. Chairman Scott Clein convened the meeting at 7:30 p.m.

Present: Chairman Scott Clein; Board Members Carroll DeWeese, Bert Koseck, Janelle Whipple-Boyce (arrived at 7:50 p.m.), Bryan Williams; Alternate Board Members Stuart Jeffares, Daniel Share

Absent: Board Members Robin Boyle, Gillian Lazar; Student Representatives Scott Casperson, Andrea Laverty

Administration: Matthew Baka, Sr. Planner
Jana Ecker, Planning Director
Carole Salutes, Recording Secretary

03-54-15

APPROVAL OF THE MINUTES OF THE REGULAR PLANNING BOARD MEETING HELD MARCH 11, 2015

Mr. Share:
Page 5 - Change "Paul Glance" to "Paul Glantz."

Mr. DeWeese
Page 3 - Add a comma between Lazar and Clein.

**Motion by Mr. DeWeese
Seconded by Mr. Share to approve the Minutes of the regular Planning Board meeting on March 11, 2015 as amended.**

Motion carried, 5-0.

VOICE VOTE
Yeas: DeWeese, Share, Clein, Jeffares, Koseck
Nays: None
Abstain: Williams
Absent: Boyle, Lazar, Whipple-Boyce

03-55-15

CHAIRPERSON'S COMMENTS (none)

03-56-15

APPROVAL OF THE AGENDA (no changes)

03-57-15

SPECIAL LAND USE PERMIT ("SLUP")

FINAL SITE PLAN REVIEW

250 N. Old Woodward Ave.

Emagine Palladium Theatre, and Ironwood Grill (postponed from March 11, 2015)

Application to allow a movie theatre, restaurant and bar serving alcoholic liquors in a portion of the former Palladium Theatre space

Ms. Ecker recalled that on March 11, 2015 the applicant appeared before the Planning Board. The Planning Board postponed the matter and requested additional information on the proposed membership theatre concept, an updated and ordinance compliant sign package with all required details, and design and material details on the proposed exterior changes on the fourth floor of the south elevation where open air dining is proposed. At this time the applicant has provided a detailed elevation of the fourth floor of the south elevation where open air dining is proposed. The applicant has removed all previously proposed spandrel glass and replaced it with metal panels, which are permitted.

Design Review

The applicant is proposing several design changes to the existing building. The changes proposed are to the design of the marquis itself, signage changes, and the removal of decorative metal elements and fixed windows at the new fourth floor. The applicant is proposing to remove the art deco metal design element from the top of the marquis as well as the changeable channel letter boards that were previously used to list movies being shown in the former Palladium Theatre. In addition, 40 ft. of the fourth floor fixed curtain wall windows are proposed to be replaced with a retractable Nanawall folding window system to provide an open air dining experience in the portion of the Ironwood Grill overlooking Hamilton St. above the existing marquis.

Ms. Ecker advised that an updated sign package has been received. However, Article 3 of the Zoning Ordinance provides that only one sign is permitted per entry for each business whose primary square footage is on the first story. ***As the primary square footage for both the Emagine Theatre and the Ironwood Grill is on the fourth story, the applicant will be required to obtain a variance from the Board of Zoning Appeals for all exterior entry signage.*** Further, the Planning Board must determine if a sign band is architecturally feasible above the theatre entry doors between the first and second floors. As the marquis is located in the area generally reserved for a sign band, the Planning Board may wish to approve it as an alternative design for the placement of signage.

In response to the chairman, Ms. Ecker advised there is currently nothing in the ordinance that prohibits a membership based theatre.

Mr. Paul Glantz, CEO of Emagine Entertainment, Inc., talked about their plans. They have now resolved to take a slightly different tact with respect to their membership concept. The approach now will be that customers can purchase a seat license that will allow preferential

booking rights on Friday, Saturday, Sunday and certain holidays. Other than that, the venue will be open to the public. They do not intend to impose a two-drink maximum restriction. Also, they plan to use low light surveillance cameras to monitor behavior.

Mr. Jason Gekiere, Tower Construction, Construction Manager for the project, explained that a small glass partition that sticks up provides an added level of protection within the curtain wall system. Mr. Michael Southen with Signature Associates, Consultant to Emagine Theatre, described the detail on the partition.

With respect to limiting the number of drinks that can be served to patrons, Mr. DeWeese thought the City could write the agreement to say if they start having problems the SLUP would come back up for review. Mr. Williams stated he is in favor of the project. A little elitism will ease the traffic flow in that neighborhood. Mr. Koseck encouraged the petitioner to take another look at the sign. He thought it could be better. Mr. DeWeese had the concern that the City Attorney should look at the membership concept before it goes to the City Commission.

At 8 p.m. no one from the audience wished to discuss this matter.

Motion by Mr. DeWeese

Seconded by Mr. Williams that the Planning Board recommends approval of the applicant's request for a Final Site Plan and a SLUP approval to permit Emagine Palladium Theatre and Ironwood Grill to operate at 250 N. Old Woodward Ave. with the following conditions:

- 1. Execute a contract with the City outlining the details of the proposed theatre and restaurant operations upon approval of the SLUP in accordance with the presentation made this evening;**
- 2. Meet all City Department requests, subject to administrative approval;**
- 3. Provide material specifications for the background sign panel on the marquis, and clarify all sign colors;**
- 4. Obtain a variance from the Board of Zoning Appeals for all exterior entry signage;**
- 5. Planning Board finds that the marquis is an architectural feature of the building, and is approved as an alternate design in lieu of a sign band; and**
- 6. LED lighting on the Ironwood Grill signs must be mounted so that it is not visible through the open cut area.**

No comments were heard from members of the public at 8:03 p.m.

Motion carried, 6-0.

ROLLCALL VOTE

Yeas: DeWeese, Williams, Clein, Jeffares, Koseck, Share

Nays: None

Abstain: Whipple-Boyce

Absent: Boyle, Lazar

**SPECIAL LAND USE PERMIT ("SLUP")
FINAL SITE PLAN REVIEW
33877 Woodward Ave.
Sav-on Drugs Drive-Through**

Mr. Baka advised the subject site is located on the southwest corner of Woodward Ave. and Ruffner in the B-2B Zoning District as well as P (Parking) and R3. The applicant received Final Site Plan approval on December 12, 2007 to construct a new 11,651 sq. ft. one-story building on the site and expand the current parking lot west onto one R-3 parcel at 1305 Ruffner.

The applicant is now requesting approval to add a drive-through pharmacy pick-up window along the south elevation of the building. The applicant is required to obtain City Commission approval of the SLUP after it has been reviewed by the Planning Board.

The applicant is proposing to reduce the on-site parking by four spaces for a total of 36 spaces. The proposed changes to the parking area leave the applicant three spaces short of the requirement. ***Accordingly, the applicant will be required to provide three additional parking spaces or obtain a variance from the Board of Zoning Appeals.***

Design Review

Drive-through window

The window is proposed to be located approximately 37.5 ft. from the front of the building on the south elevation. The window is proposed to be clear security glass in a bronze frame to match the existing windows. An awning that will match the existing awnings around the building is proposed to be mounted above the new drive-through window.

Front windows

Currently, the windows along the front elevation are blocked by the backs of shelving units. This violates the window standards of section 4.83 A (4) of the Zoning Ordinance. The applicant is proposing to apply perforated window graphics that depict historic photos of Birmingham. However, any graphics applied to the window of a commercial business are considered window signage and are limited to 18 sq. ft. per street frontage, or 36 sq. ft. in this case. Based on the plans as submitted, the graphics would occupy 72 sq. ft. per window or 504 sq. ft. total, which would violate the Birmingham Sign Ordinance. **If the applicant is determined to maintain the current location of the shelving units they can request approval from the Planning Board to create display windows per section 4.83 A (3) of the Zoning Ordinance, otherwise the shelves must be removed.**

Mr. Kevin Hart, Architect for Mr. Bill Neuman, the owner of Sav-On Drugs, spoke about the window coverings being proposed. They are looking at historical black and white pictures of Birmingham from the '20s and '30s. The idea is to soften the light pouring out of the windows. They propose to use perforated vinyl panels that hang down in front and are mounted on the inside aluminum frame of the storefront glazing. All of the products they are using on the building will match the existing.

Board members noted that the vinyl will be within 3 ft. of the windows which would violate the ordinance and therefore is not a solution. Mr. Koseck wondered if there is something that could be done that would allow people to look inside the store and allow those inside to look outside

as well. Mr. Hart said that in order to move shelves they would have to reduce the product selection. Mr. Share observed that the applicant has a choice of either moving the shelves away from the windows or leaving them the way they are and abandoning the idea of a drive-through.

Chairman Clein expressed his concern about the use of a drive-through in this location as part of a SLUP; and using the alley as the main entry to the drive-through. The applicant will have to talk to MDOT to obtain approval for the shift in traffic movements onto Woodward Ave. as opposed to off of it.

Mr. Williams explained that a reversal of traffic does not affect any Sav-On customers. The traffic volume in a pharmacy drive-through is minimal. Mr. DeWeese thought it would be a lot better if the traffic flow was reversed. Mr. Hart said the drive-through would serve the community very well and it will reduce the need for additional parking.

Ms. Whipple-Boyce was convinced that the drive-through would have very low usage. She is not opposed to it, given the board now has the opportunity to clean up the window situation. The only way she would approve the drive-through would be if the shelving was removed from the windows. Mr. DeWeese wanted to see the option before approving a SLUP.

There were no comments from the public at 9 p.m.

**Motion by Ms. Whipple-Boyce
Seconded by Mr. Share to postpone SLUP and Final Site Plan Review for 33877 Woodward Ave. to April 22.**

Chairman Clein wanted to see an engineered plan for work within the State highway (Woodward), when the applicant returns.

There were no public comments at 9:01 p.m.

Motion carried, 7-0.

VOICE VOTE

Yeas: Whipple-Boyce, Share, Clein, DeWeese, Jeffares, Koseck, Williams

Nays: None

Absent: Boyle, Lazar

03-59-15

FINAL SITE PLAN REVIEW

1964 Southfield Rd.

Market Square

Application for Final Site Plan and Design Review to allow an addition to the market and improvements in the public space to the north of the property

Ms. Ecker explained the subject site is located at the northwest corner of Fourteen Mile and Southfield Rd. The existing store is 10,280 sq. ft. in size. At this time the applicant is proposing to construct a 2,935 sq. ft. addition to the north of the existing building. The proposed addition

will increase the size of the entire building to 13,215 sq. ft. Along with construction of the proposed addition, Market Square is also seeking to remodel the interior of the store.

Signage changes are also proposed, and the applicant will be required to obtain approval for all new signage. Parking for the existing building is provided in the R-O-W along both Fourteen Mile Rd. and Southfield Rd., as well as across the alley to the west on adjacent property. The applicant is now proposing to lease land to the north from the City to construct six new parking spaces and an open air pavilion for displaying merchandise, with an outdoor seating area open to the public. The City property is approximately 7,500 sq. ft. in area, and the applicant is proposing to lease a total of 3,825 sq. ft. of that.

On July 9, 2014, the Planning Board granted Preliminary Site Plan approval for the building addition with several conditions.

Design Review

The proposed addition to the north will be constructed of the same brick with a stone cap to match the existing building, and aluminum downspouts and gutters will be used that match the existing building. One new triple bay of windows will be added to the east elevation, with an awning that will match the existing awnings on that elevation.

The pavilion is proposed to be used to display seasonal merchandise for sale at Market Square. The pavilion itself will be constructed with six wood and steel support posts and roof joists, with a copper roof. A decorative cupola with a window is proposed for the center of the peaked roof. Stainless steel mesh panels are proposed to enclose the area under the roof of the pavilion to allow the pavilion to be secured when Market Square is closed. The east side of the pavilion will be open during business hours, and a retractable door will come down after business hours. The plaza area outside of the new pavilion will be paved. The applicant is proposing two square umbrellas and four tables with 16 chairs for the outdoor dining area. The central feature of the plaza space will be a fountain with a 7 ft. diameter brick and stone base to match the Market Square building.

Building Signage

The plans as submitted indicate that the proposed building will have 134.2 ft. of principal building frontage permitting 134.2 sq. ft. of signage. The applicant is proposing to keep two existing signs on each of the east and south elevations, and to add additional name letter signage on the east elevation for a total of 97.06 sq. ft. of signage. All new signs are proposed to be mounted at a height of 12 in. above finish grade. No lighting is proposed for the new signage.

Mr. Koseck was interested in making sure the City property gets used in a beneficial way for the applicant as well as for the public. He wanted to see an exit from the store out into the park. Mr. Williams thought the applicant should address the need for the six parking places because they render the remainder of the City property useless.

Mr. Victor Saroki, Architect, was present with Ms. Yvonne Yaladoo, Project Architect from his office, along with Messrs. Laith and John Karmo, sons of the business owners. The proposed building addition will be used for liquor sales, prepared foods, and service foods. This arrangement will open up all of the windows and provide a nice view into the store. The six parking spaces in back will be for employees and will replace the six spaces taken out for the addition. The open air pavilion in the park area will be used for seasonal displays and there will

be a point of sale there. With regard to a second exit, the owners feel it is very hard to control in a retail situation. They think everything should come in and out of the front door.

Mr. Koseck said there should be some thought given to how the City property that is not being leased might get used. Also he felt there should be some type of connection between the indoor and outdoor space without walking to the front of the market. Ms. Whipple-Boyce was surprised by the Yews around the whole perimeter of the project. They cut off access to the park rather than allowing people to flow into the park. Also she would love to see the store open up to the park. Mr. Saroki responded that the shrubs provide a little bit of containment and softening. They could move the pavilion a little closer to the building. Mr. Williams suggested an exit-only door that would get people directly to the park. Other board members thought that was a good idea.

Mr. Share said he could envision a swing set and picnic tables in the City-owned section of the park.

There were no comments from members of the public at 10:12 p.m.

The majority of the board wanted a direct connect from the market to the park. Ms. Ecker thought maybe if the applicant changes the design and layout there might be a way to make it all flow better. Mr. DeWeese observed that it is better to under-build than to over-build; keeping scale in check is important.

Mr. Saroki said he suspects they could work through a connection to the park. He did not think the pavilion should be located too far from the market because of the intention to sell merchandise.

Motion by Mr. Williams

Seconded by Ms. Whipple-Boyce to postpone the Final Site Plan Review for 1964 Southfield Rd., Market Square, to April 8, 2015.

No one from the audience commented on the motion at 10:25 p.m.

Motion carried, 5-2.

ROLLCALL VOTE

Yeas: Williams, Whipple-Boyce, Clein, Koseck, Share

Nays: DeWeese, Jeffares

Absent: Boyle, Lazar

It was agreed that for next time Mr. Saroki will submit plans that focus on the park and the pavilion and not worry any more about the building exterior. Also he will bring in a sample of the metal mesh material that will be used on the pavilion.

03-60-15

STUDY SESSION

Action List 2015-2016

Consensus was to move Item 4, Triangle District Implementation, down; and to move Item 6, S. Woodward Ave. Gateway Plan, and Item 5, Medical Marijuana up. Add a new category, General Fixes for Ordinances and Site Plan Reviews.

Mr. Williams suggested discussing Item 1, Zoning Transition Overlay and Item 6, S. Woodward Ave. Gateway Plan, at the joint Planning Board/City Commission meeting in June.

It was agreed that the board would try to take on one of the easy items at every study session.

03-61-15

MEETING OPEN TO THE PUBLIC FOR ITEMS NOT ON THE AGENDA (no discussion)

03-62-15

MISCELLANEOUS BUSINESS AND COMMUNICATIONS

- a. Communications (none)
- b. Administrative Approvals
 - 34602 and 34574 Woodward Ave., Hazel St. Vacation -
 - Two traffic signs were removed at the drive approach to Woodward Ave.;
 - The striped crosswalk was replaced with a revised sidewalk layout per City Engineering and MDOT requirements;
 - The four spaces shown at the west end of the vacated Hazel St. were striped with only three spaces.
 - 2200 Holland St, Mercedes Benz of Bloomfield Hills - Installation of a ground mounted A/C condenser and installation of new glass in existing windows.
 - Ms. Ecker noted an L-shaped building that is located at the SE corner of Purdy and Brown. They want to add an addition that fills in the corner. The consensus was that the applicant should bring the plans before the board.
- c. Draft Agenda for the Regular Planning Board Meeting on April 8, 2015 (not discussed)
- d. Other Business (none)

03-63-15

PLANNING DIVISION ACTION ITEMS

- a. Staff report on previous requests (none)
- b. Additional items from tonight's meeting (none)

03-64-15

ADJOURNMENT

No further business being evident, the chairman adjourned the meeting at 10:45 p.m.

Jana Ecker
Planning Director

APPROVED